

City of Detroit

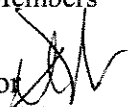
CITY COUNCIL

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PEGGY ROBINSON
Deputy Director
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TO: Honorable City Council Members

FROM: David Whitaker, Director 
Research & Analysis Division Staff

DATE: July 24, 2008

RE: **Including Bulk Drop Off Sites in Wayne County Solid Waste Management Plan**

Pursuant to the Public Health and Safety Committee's request on July 7, 2009, Research & Analysis Division (RAD) has investigated the status of the Wayne County Solid Waste Management Plan, and the committee's questions about including Detroit's four bulk waste drop off sites in the plan.

This is RAD's report on this issue:

In general, the Wayne County Solid Waste Management Plan is a somewhat unique planning tool, mandated by state law, requiring local governments in Michigan to establish adequate solid waste disposal and management facilities at the county level. It was used in the 1980s and 1990s to establish sufficient landfill, incineration and other disposal capacity to meet the county's solid waste management needs.

There are no adverse fiscal, environmental or other implications that RAD is aware of, to including these drop-off sites in the Wayne County Plan. Nor will adding these drop-off sites to the plan result in Wayne County assuming management or funding obligations for them, although Wayne County is responsible for enforcement and implementation of its County Solid Waste Management Plan.

It is currently RAD's understanding that the primary intent and effect of including such facilities in the plan, is to ensure sufficient solid waste management capacity throughout the county. RAD is unaware of any reason not to grant the DPW's request that Your

Honorable Body endorse their efforts to include these locally operated drop-off sites in the Wayne County Solid Waste Management Plan.¹

Legal Background

Part 115 of the Michigan Natural Resources and Environmental Protection Act, among its other provisions, at 1994 PA 451, (formerly known as Act 641, or the Solid Waste Management Act) requires every Michigan county to develop and implement a solid-waste management plan. The plan must include input, through a local planning committee, from interested local organizations.

Such a county solid waste management plan's purpose is to:

- Protect public health;
- Assure adequate disposal capacity for all waste generated within county borders for 5- and 10-year periods of time;
- Establish goals for waste prevention and recycling;
- Control waste imported from or exported to other counties;
- Define the roles of county and local governments in implementing and enforcing the plan; and
- Assure that the county begins to investigate a new disposal site when a current site has less than five and a half years of capacity remaining.

Part 115 requires that the plans be updated every five years. The last round of updates occurred in 1997, but the round scheduled for 2002 was delayed by the MDEQ director, because of (1) state budget cuts, (2) pending revisions to the plan format and guidebook, and (3) the fact that many plans had been approved only recently.

[Sources: <http://www.michiganinbrief.org/edition07/Chapter5/SolidWaste.htm>; *Macene v MJW, Inc.*, 951 F.2d 700 (CA6 1991)]

Wayne County Solid Waste Management Plan

A copy of the current approved Wayne County Solid Waste Plan (307 pages) is available from RAD by e-mail, or on the internet, at:

<http://www.waynecounty.com/doe/land/docs/060304swmp2000Update.pdf>

¹This analysis assumes that DPW will be moving forward expeditiously with implementation of the new model for solid waste management derived from this year's budget. As DPW Director Jordan recognizes, these drop-off sites are "no substitute for curbside collection." (Jordan Letter to City Council, 6/10/08)

Excerpts from the Wayne County Plan, concisely summarizing its adoption and approval, and including references to including new facilities in the plan, and to GDRRA, are attached.

The Plan is developed by the Wayne County Solid Waste Management Committee. The Committee is intended to include representation of the solid waste management industry, environmental groups, the general public, industrial waste generators, and various levels of local and county government. The Plan had to be approved by the Wayne County Commission, at least two-thirds of the municipalities in the county, and the Michigan Department of Environmental Quality (formerly the DNR). *Macene v MJW, supra*

The current Wayne County Solid Waste Management Plan was submitted to the Michigan Department of Environmental Quality (DEQ) on February 27, 2002,, and approved with modifications, by the DEQ, on November 7, 2002. Wayne County also has its own Solid Waste Ordinance, included as Appendix G to the Plan. The Plan states "All solid waste facilities located in Wayne County and regulated under Act 451 PA, 1994 Part 115 must be included within Wayne County's Solid Waste Management Plan." (Attachment)

Request from the Department of Public Works

By correspondence dated June 10, 2008, the Director of the DPW requested that City Council endorse DPW's effort to make the subject bulk drop-off sites part of the Wayne County Solid Waste Management Plan. He stated that DPW will be submitting an Inclusion Application to the Wayne County Department of Environment, and a cover letter to that effect, also dated June 10, is included with the application information in the packet. DPW Director Jordan explicitly recognized that "these sites are no substitute for curbside collection."

Questions from City Council

1. Does this in any way involve GDRRA?

ANSWER: Indirectly, yes. The GDRRA Resource Recovery Facility (RRF) is one of the facilities identified in and included in the Wayne County Solid Waste Management Plan. (Attached) Moreover, the existence of this county planning tool is one of the reasons why Wayne County currently has sufficient land fill capacity, a significant fact in terms of forthcoming decisions about the RRF, after July 2009 when the bonds used for its construction and pollution control equipment are paid off. As stated in the Executive Summary of the Wayne County Solid Waste Management Plan:

"Wayne County has been able to handle its waste internally operating under its Solid Waste Management Plan. Wayne County's siting process, which provides significant local community control through a Host Community Agreement, has been very successful in siting disposal facilities. In fact, Wayne County's process

has been the most successful siting process in Michigan. As a result, Wayne County currently has capacity to handle all of its solid waste for more than twenty years based on existing waste flows and facility capacities.” (Attachment)

It may therefore be anticipated that including these drop-off sites in the Plan, deciding the future of the GDRRA’s RRF, and updating the Wayne County Solid Waste Management Plan, may all be part of a lengthy local regulatory process, with state oversight, that can be expected to be going on for some time.

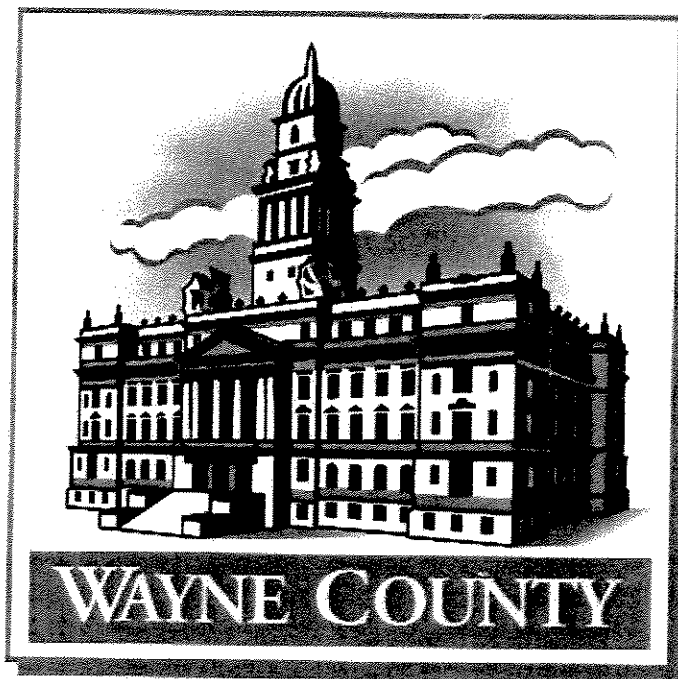
2. Is this a Host Community Agreement?

ANSWER: No. The City of Detroit is already the location and the operator of these sites. Neither the City nor the County is being asked to enter into any formal, binding legal agreement to host them at this time. “This Plan specifically requires that solid waste disposal facilities enter into a Host Community Agreement prior to seeking inclusion.” (Attachment)

3. Is this an agreement with the DPW and Wayne County or the City of Detroit and Wayne County?

ANSWER: Neither. It is not a contractual agreement. It is the fulfillment of a statutory obligation binding on both the City of Detroit, including DPW, and Wayne County.

Wayne County Solid Waste Management Plan 2000 Update



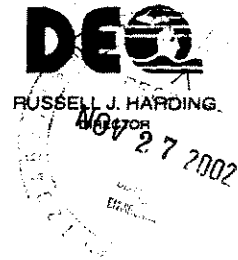
As approved by the Michigan Department of Environmental Quality
November 2002

Edward H. McNamara
County Executive



JOHN ENGLER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



November 7, 2002

Mr. Ricardo A. Solomon, Chairperson
Wayne County Board of Commissioners
600 Randolph
Detroit, Michigan 48226

Dear Mr. Solomon:

The Department of Environmental Quality (DEQ) received the locally-approved update to the Wayne County Solid Waste Management Plan (Plan) on March 8, 2002. The Plan is approved with the following agreed upon modifications as outlined in the July 8, 2002 letter to Mr. Robert N. Ratz, Director, Land Resource Management Division, Wayne County Department of Environment (WCDE), from Ms. Lynn Dumroese, DEQ, Waste and Hazardous Materials Division (WHMD), and as confirmed in an August 8, 2002 letter from Mr. James Murray, Director, WCDE, and Mr. Michael Brinker, Chairperson, Wayne County Solid Waste Planning Committee.

On Page A 26, the Facility Description for New Center Recycling indicates this facility receives construction and demolition waste. The DEQ is aware that the Host Community Agreement between the city of Detroit and New Center Recycling states this facility is prohibited from storage or processing of construction and demolition waste. By Mr. Murray and Mr. Brinker's letter, Wayne County's intent was to have the facility description information negotiated in the Host Community Agreement take precedence over the facility description information in the Facility Description Sheets. For clarification purposes, the following language shall be added to Pages 21 and A 2: "If the facility description information included on the Facility Description Sheets conflicts with the Host Community Agreements, the facility description information in the Host Community Agreements supersedes information on the Facility Description Sheets."

On Page A 32, a clarification is needed in regard to the total area permitted found on the Facility Description for the S & J Transfer Station and Processing Facility (Facility). This clarification does not require a modification to the Plan; however, it is needed because it is not clear what the term "pending" means. This site has not received an Operating License; however, Wayne County's intent was to include the Facility in the Plan and authorize seven acres for the total area of the Facility property. Therefore, the following sentence should be added to the Facility Description Sheet for this Facility: "Seven acres is automatically consistent with the Plan for the Facility and does not need to be sited according to the siting mechanism."

On Page A 44, the Plan lists facilities that will be removed from the Plan. The DEQ's records indicate the K & K Rail Siding Transfer Station (Transfer Station) had received an Operating License in 1994; however, this Transfer Station has not renewed their license since then. The courts ruled in the case of Michigan Waste Systems – Ottawa County versus Department of Natural Resources, that an existing disposal area cannot be excluded from a County Solid Waste Management Plan and as defined in Rule 102 (p) of the administrative rules promulgated pursuant to Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, an "existing disposal area" means, in part, any of the following: (i) A disposal area that has been issued a construction permit under the act or (ii) A disposal area that has engineering plans approved by the Director before January 11, 1979. It is clear that the Transfer Station qualifies as an existing disposal area and, therefore, cannot be arbitrarily removed from the Plan. Mr. Paul Russo, who is the last known contact person for the Transfer Station, indicated in a letter dated September 3, 2002, that this Transfer Station has stopped operations and the current site will not be used as a transfer station in the future. Based on the information in Mr. Russo's letter, it does not appear that there is any objection to the Transfer Station being removed from the Plan. Therefore, the DEQ has determined that the Transfer Station shall be removed from the Plan. The DEQ records do not indicate the other facilities listed on Page A 44 are existing disposal areas; however, by Ms. Dumroese's letter, the DEQ did request Wayne County to submit any documentation that was available from these facilities. Mr. Murray and Mr. Brinker provided additional documentation confirming that the last known contact person for the other facilities listed on Page A 44 was notified; therefore, in order to alleviate any future discrepancy, this documentation shall be added to the Plan.

Another clarification is needed regarding the Wayne County Solid Waste Ordinance (Ordinance) found in Appendix G. The Ordinance references technical standards that the DEQ evaluates during their review of a construction permit and allows variances for some of these technical items. Mr. Murray and Mr. Brinker's letter clarifies that the Ordinance found in Appendix G is enforceable per Michigan Compiled Law 324.11538(8) with the Plan so long as the following paragraph is added to Page 61:

Technical standards found within the Ordinance are enforceable if standards are equivalent to the technical standards in Part 115 and the Part 115 administrative rules. No standard within the Ordinance is enforceable if less restrictive than Part 115 or the Part 115 administrative rules. Wayne County's Ordinance was developed to provide reporting and operational standards for solid waste facilities located within Wayne County and to reference State standards for technical criteria. Wayne County understands the DEQ delegated authority under Subtitle D requires consistent technical standards for landfills. Decisions made by the DEQ regarding the enforceability of technical standards shall be final.

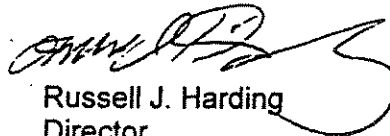
With these modifications, Wayne County's updated Plan is hereby approved, and Wayne County now assumes responsibility for the enforcement and implementation of this Plan. Please ensure that a copy of this letter is included with copies of the approved Plan distributed by Wayne County.

By approving the Plan with modifications, the DEQ has determined that it complies with the provisions of Part 115 and the Part 115 administrative rules concerning the required content of solid waste management plans. Specifically, the DEQ has determined that the Plan identifies the enforceable mechanisms that authorize the state, a county, a municipality, or a person to take legal action to guarantee compliance with the Plan, as required by Part 115. The Plan is enforceable, however, only to the extent that Wayne County properly implements these enforceable mechanisms under applicable enabling legislation. The Plan itself does not serve as such underlying enabling authority, and DEQ approval of the Plan neither restricts nor expands Wayne County's authority to implement these enforceable mechanisms.

The Plan may also contain other provisions that are neither required nor expressly authorized for inclusion in a solid waste management plan. DEQ approval of the Plan does not extend to any such provisions. Under Part 115, the DEQ has no statutory authority to determine whether such provisions have any force or effect.

The DEQ applauds your efforts and commitment in addressing the solid waste management issues in Wayne County. If you have any questions, please contact Ms. Rhonda Oyer Zimmerman, Chief, Solid Waste Management Unit, WHMD, at 517-373-4750, or you may contact me.

Sincerely,



Russell J. Harding
Director
517-373-7917

PLAN UPDATE COVER PAGE

The Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), Part 115, Solid Waste Management, and its Administrative Rules, requires that each County have a Solid Waste Management Plan Update (Plan) approved by the Michigan Department of Environmental Quality (DEQ). Section 11539a requires the DEQ to prepare and make available, a standardized format for the preparation of these Plan updates. This document has been written and put together in that format.

DATE SUBMITTED TO DEQ: February 27, 2002

This Plan Update covers all Act 451, Part 115 solid wastes which are generated within Wayne County as well as the solid waste generated within the entire city of Northville. Northville is located within both Wayne and Oakland Counties but has elected to be included in the Wayne County Plan as allowed under section 11536 of Part 115 of the NREPA. Resolutions from both involved County Boards of Commissioners approving the inclusion are included in Appendix N.

Municipality
Northville

Original Planning County
Oakland and Wayne

New Planning County
Wayne

DESIGNATED PLANNING AGENCY PREPARING THIS PLAN UPDATE:
Office of the Wayne County Executive through the Department of Environment

CONTACT PERSON: Mr. James Murray, Director
Department of Environment

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E-MAIL: jmurray@co.wayne.mi.us

CENTRAL REPOSITORY LOCATION: Wayne County D.O.E.
Land Resource Management Division
3600 Commerce Court, Bldg. E
Wayne, MI 48184
(734) 326-3936

Executive Summary

County Overview

Wayne County is the most populated county in Michigan with over two million residents and a commercial and industrial population of almost one million. It is easy to see how Wayne County generates over ten million cubic yards of waste per year. This volume of waste could pose a major problem for most counties to handle without significant exporting. However, Wayne County has been able to handle its waste internally operating under its Solid Waste Management Plan. Wayne County's siting process, which provides significant local community control through a Host Community Agreement, has been very successful in siting disposal facilities. In fact, Wayne County's process has been the most successful siting process in Michigan. As a result, Wayne County currently has capacity to handle all of its solid waste for more than twenty years based on existing waste flows and facility capacities.

With the disposal capacity currently available in Wayne County, some may question the need to emphasize recycling and suggest we continue to utilize landfills without concern for airspace. In reality, landfill capacity should be a concern particularly when you look at the amount of land available in Wayne County for future development. According to SEMCOG, of the over 390,000 acres of land in Wayne County, 138,000 acres were undeveloped in 1995. Some of the undeveloped land contains wetlands or other physical restrictions. This constitutes approximately 35% of the total area of the County. An estimated 20,000 acres have been developed within the last 5 years in Wayne County. If this trend continues there will be very little undeveloped land suitable for landfill development when the current airspace is consumed. Therefore, waste reduction, recycling, and incineration must remain a high priority throughout Wayne County.

Thirty-four (34) of Wayne County's forty-three (43) communities participate in curbside collection programs for recyclables and forty-one (41) communities participate in yard waste collection programs. This participation is a result of the original Solid Waste Management Plan's directive that communities recycle, incinerate, or become the host to a landfill. Wayne County understands that even with current excess disposal capacity, conditions may change and therefore recycling must remain a major component of the waste hierarchy in the County. With the active recycling and yard waste collection programs currently in place, the communities of the County are diverting over fifteen percent (15%) of the municipal solid waste stream from landfills. When including the municipal waste that is incinerated in Wayne County, the diversion rates exceed fifty-seven percent (57%).

Selected Alternative

The selected system for handling Wayne County's waste is an existing system that has been functioning successfully for over 15 years. This system incorporates all aspects of waste handling from waste reduction, recycling, composting and incineration, to landfilling and is managed by both public and private enterprises.

The existing network of disposal facilities within Wayne County consists of two (2) waste to energy incinerators, four (4) municipal waste landfills, six (6) industrial waste landfills, and six (6) operating waste processing facilities. The hauling is being handled successfully through

private and municipal contractors, with a network of thirteen (13) operating Type A transfer stations and fourteen (14) operating Type B transfer stations.

Recycling is an important part of waste management practices within Wayne County. Continued curbside recycling along with increased recycling education will be the key components that will help us achieve our recycling goal of twenty-five percent (25%) of the total waste stream collected.

Yard waste collection is currently diverting nine percent (9%) of the municipal waste stream from landfills; however, most of this material is not being handled in Wayne County. As such, Wayne County will promote grass-cycling and backyard (small scale) composting in an effort to reduce our dependency on neighboring community composting facilities.

Incineration will continue to play a large role in waste reduction efforts within the County. The two existing Waste-to-Energy incinerators handle approximately forty percent (40%) of the residential waste stream. The volume reduction provided by these facilities, which averages around ninety percent (90%), greatly reduces our dependency on landfills while generating over 68 megawatts of energy annually. The use of these facilities reduces landfill airspace consumption by over twenty percent (20%) per year.

Landfilling is still an important part of the waste management hierarchy, as identified in the "Selected Management System". Since the last approved SWMP in 1990, Wayne County has sited four (4) new or expanded municipal solid waste landfills with our Host Community approval process. This process has successfully sited enough capacity to handle all of Wayne County's solid waste disposal needs until the year 2020. This life expectancy is based on current generation and recycling rates; but with improved performance in recycling, life expectancy may actually increase.

Conclusion

Wayne County, with the assistance of the Solid Waste Implementation Committee (SWIC), has determined that the existing solid waste management system will handle Wayne County's solid waste disposal needs well beyond this plan update period. That is not to say it can't be improved, and so with this update, the SWIC has fine-tuned the system in an effort to better meet our goals.

As a result, Wayne County will provide more attention to municipal waste composting education, while promoting industrial and commercial reduce, reuse, recycle programs. Wayne County will continue working with the solid waste landfills within the County to support efforts to maximize use of available airspace, thereby prolonging the existing life. They will also be working to achieve the goals by fostering partnerships with local communities to gather strong commitment and support from the people most affected.

The final piece of the updated SWMP is the Wayne County Solid Waste Ordinance (Ordinance). The Ordinance has been beneficial in providing the reports necessary to monitor the performance of the County with regard to its goals. In addition, it has provided the necessary tools to assure Wayne County has oversight of the solid waste facilities within its jurisdiction. As part of this

Facility Descriptions

The following table lists all solid waste disposal areas within Wayne County or to be used by Wayne County to meet its disposal needs for the planning period. The facility description sheets for these facilities, information on the closed landfills that will remain included in the Plan (pp. A 44 – A 46), and information regarding the facilities removed from the Plan as part of this update, can be found in Appendix A.

Facility Name & Location	Facility Type	Page Number
Wayne County Landfills		
Carleton Farms, Sumpter Twp., Wayne County	Type II Landfill/Ash Monofill	A 3
Countywide, Gibraltar, Wayne County	Type III Landfill	A 4
Edw. C. Levy, Taylor, Wayne County	Type III Landfill	A 5
Ford Allen Park Clay Mine, Allen Park, Wayne County	Type II Landfill	A 6
Huron Monofill, Huron Twp., Wayne County	Ash Monofill	A 7
Livonia Landfill, Livonia, Wayne County	Type III Landfill	A 8
Riverview Land Preserve, Riverview, Wayne County	Type II Landfill	A 9
Sauk Trail Hills, Canton, Wayne County	Type II Landfill	A 10
Sibley Quarry, Trenton, Wayne County	Type III Landfill	A 11
Woodland Meadows, Van Buren Twp., Wayne County	Type II Landfill	A 12
Wayne County Waste-to-Energy Facilities		
CWCSA, Dearborn Heights, Wayne County	Waste-to-Energy Facility	A 13
Greater Detroit Resource Recovery, Detroit, Wayne County	Waste-to-Energy Facility	A 14
Wayne County Type A Transfer Stations (> 200 yd3/day)		
American Waste Oil, Belleville, Wayne County	Type A Transfer Station	A 15
City Disposal Systems, Detroit, Wayne County	Type A Transfer Station	A 16
Dearborn Transfer, Dearborn, Wayne County	Type A Transfer Station	A 17
Detroit Transfer and Recycling, Detroit, Wayne County	Type A Transfer Station	A 18
Dinverno, Detroit, Wayne County	Type A Transfer Station and Processing Plant	A 19
Metropolitan Transfer Center, Detroit, Wayne County	Type A Transfer Station	A 25
New Center Recycling, Detroit, Wayne County	Type A Transfer Station and Processing Plant	A 26
Onyx Transfer, Dearborn, Wayne County	Type A Transfer Station	A 28
S&J, River Rouge, Wayne County	Type A Transfer Station and Processing Plant	A 32
Southfield Yard, Detroit, Wayne County	Type A Transfer Station	A 33
Trenton Transfer, Trenton, Wayne County	Type A Transfer Station	A 36
Waste Management – Livonia Yard, Livonia, Wayne County	Type A Transfer Station	A 37
Wayne County Type B Transfer Stations (< 200 yd3/day)		
Hamtramck Transfer, Hamtramck, Wayne County	Type B Transfer Station	A 20
Inkster Transfer, Inkster, Wayne County	Type B Transfer Station	A 21
Lincoln Park Transfer, Lincoln Park, Wayne County	Type B Transfer Station	A 22
Livonia Transfer, Livonia, Wayne County	Type B Transfer Station	A 23
Markwell Trucking, Belleville., Wayne County	Type B Transfer Station	A 24
Northville City Transfer, Northville, Wayne County	Type B Transfer Station	A 25
Plymouth City Transfer, Plymouth, Wayne County	Type B Transfer Station	A 29
River Rouge Transfer, River Rouge, Wayne County	Type B Transfer Station	A 30
Romulus Transfer, Romulus, Wayne County	Type B Transfer Station	A 31
Southgate Transfer, Southgate, Wayne County	Type B Transfer Station	A 34
Taylor Transfer, Taylor, Wayne County	Type B Transfer Station	A 35
Westland Transfer, Westland, Wayne County	Type B Transfer Station	A 38
Woodhaven Transfer, Woodhaven, Wayne County	Type B Transfer Station	A 39
Wyandotte Transfer, Wyandotte, Wayne County	Type B Transfer Station	A 40
Wayne County Processing Plants		
Michigan Disposal, Van Buren Twp., Wayne County	Processing Plant	A 41
Taylor Recycling, Taylor, Wayne County	Processing Plant	A 42
USL, City Environmental, Detroit, Wayne County	Processing Plant	A 43

Land Development

Wayne County presently has more than 20 years left of landfill space. While the need for land for development of new facilities is not an immediate concern, growth trends indicate that suitable land may not be available in the future when new facilities need to be sited. The information presented pertains only to the 25 of 43 communities in which the Wayne County Soil Erosion/Sedimentation Control (SESC) program has jurisdiction. The other 18 communities act as their own Local Enforcement Agency (LEA). Information from the SESC permitting process is one of the best methods to gauge and possibly predict growth trends in land development. The program mandates that if any development disturbs more than one acre of land or is within 500 feet of a lake or stream, an owner, contractor, or developer must obtain a local earth change permit. Any proposed landfill would most likely go through this permitting process.

Wayne County is comprised of 622.85 square miles or 398,624 acres. Wayne County Department of Environment's Land Resource Management Division (LRMD) acts as the SESC authority in 25 of the 43 communities consisting of 422.81 square miles or 270,598.4 acres. LRMD regulates 67.88% of possible permitted area. Permits are issued for residential, commercial or industrial building. Based on a 1998 SEMCOG Community Profile report, in 1995 land use was divided into 4 categories and given a percent value based on acreage: residential (43.3); commercial (10.9); industrial (11.6); and undeveloped (34.2.) The cities and townships permitted are both built up and rural in nature. All four corners of the County are included in these totals.

In 1995, 1,465 acres were permitted and in 1998, 2,159.2 acres; this is a 10.7 percent average growth increase per year between 1995 through 1998. 3,416.3 acres were permitted in 1999, which is a 36% increase over 1998. Currently, 6,151 acres are under permit. It is evident that the percentage of development in all areas of land use has increased, leaving a small amount of land left undeveloped.

Because of this expansive growth, available land is scarce for landfill development. Most of western Wayne County has been and continues to be built out. There are large parcels of land being used for residential development in the northwestern and downriver communities. Other communities have a lot of industrial construction; some of this may be redevelopment of existing or vacant properties.

The pace of demand and construction has been fierce in the last two years. While most economic forecasters do not expect the U.S. economy to slip into a severe recession, most believe the world economic problems will slow down the construction demand. *If this pace continues, locating land for new waste disposal facilities will become very difficult in the future.* Based on constitutionally guaranteed private property rights and these noted development trends, fewer contiguous tracts of land will be available for landfill development in the future.

Facility Inclusion Process

All solid waste facilities located in Wayne County and regulated under Act 451 PA, 1994 Part 115 must be included within Wayne County's Solid Waste Management Plan. The following process is to be utilized for including facilities into the Plan.

Authorized Disposal Area Types

By the authorization of this plan, solid waste facilities may only be included in the plan if they meet the requirements set forth in the following Facility Inclusion Process. This process will be used for all solid waste facilities regulated under P.A. 451, Part 115 including license-exempt facilities.

Siting Criteria and Process

Wayne County has, in this plan, demonstrated well in excess of 10 years of currently sited disposal capacity. As a result, a formal State mandated siting criteria is not required and therefore will not be included in this plan.

In the event Wayne County drops below the 10 year disposal capacity, a siting mechanism in compliance with the requirements of Part 115 will be developed and included in the plan through the plan amendment process. This will occur before mandatory siting is required (having less than 66 months disposal capacity).

Wayne County has successfully sited more landfills than any other County in the State of Michigan through its Host Community Agreement siting process. This process has provided all of the disposal capacity available in Wayne County today. The continued use of this process has been authorized by the MDEQ until Wayne County's disposal capacity is reduced and a mandatory siting process is required. This plan amendment will therefore continue to allow new or expanded facilities to be included in the plan based on this process.

Solid Waste Disposal Facility Inclusion Process – (Host Community Approval)

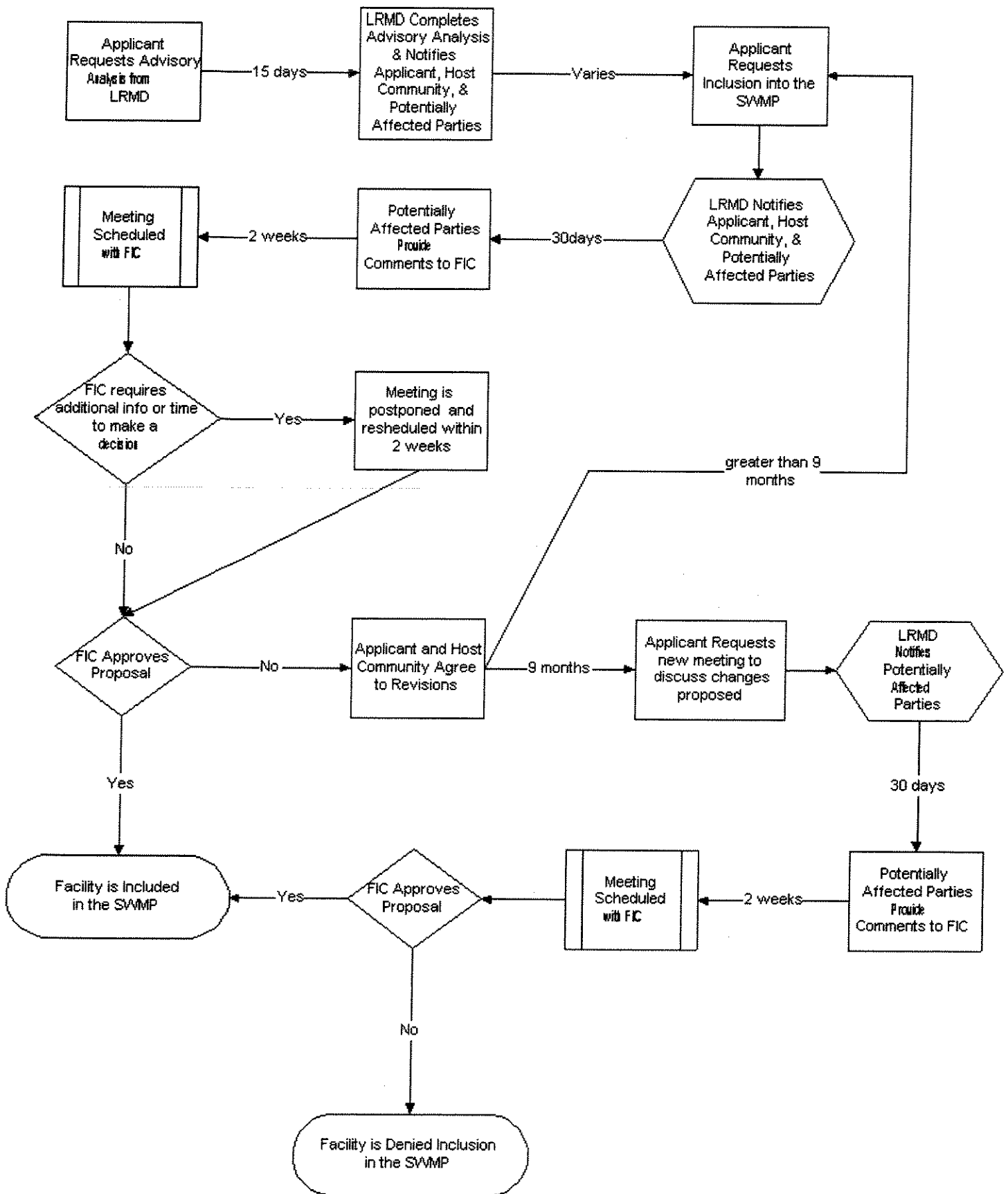
During the term of this plan, or until a mandatory siting process is required by law, new or expanded solid waste disposal facilities must be included into the Plan through the Facility Inclusion Process. This process will operate under the direction of the nine member Facility Inclusion Committee (FIC). If formal action is taken at any FIC meeting, two thirds of the (9) committee members must be present. Approval of a proposal for inclusion into the Plan will require an affirmative vote by five committee members. The process for including facilities into the Plan will require the following conditions to be met:

1. The applicant requests an advisory analysis for the site from the Land Resource Management Division (LRMD) of Wayne County's Department of Environment. Once the advisory analysis is completed, copies will be sent to the applicant, the Host Community, and to potentially affected parties (a potentially affected party for these purposes will be any municipality (ies), residences, and businesses within ½ mile of the proposed facility).
2. Upon receipt of the advisory analysis, the applicant shall complete negotiations with the Host Community.
3. The applicant shall submit a request to Wayne County LRMD requesting inclusion in the SWMP including a detailed description of the facility and provide a draft of the Host Community Agreement.

Facility Inclusion Process

4. After receipt of the request for inclusion, staff of the LRMD will notify the Host Community and potentially affected parties to inform them of the request for inclusion. The municipality (ies) will be provided a copy of the application. Residences and businesses will be notified of a location that the application can be reviewed. The potentially affected parties will then have 30 days in which to provide written notification to the Facility Inclusion Committee (FIC) detailing any concerns they have regarding the proposed facility. They will also be informed of their right to attend the FIC meeting.
5. Two weeks after the FIC has received the potentially affected parties' concerns, a meeting will be held with the applicant, host community and potentially affected parties. The purpose of this meeting will be to allow the FIC to hear and ask questions about the proposal and to hear comments from the potentially affected party (ies). If, prior to the close of the meeting, the FIC determines that they need more time to fully understand the issues of the proposal, they may schedule a subsequent meeting and may request additional information from the applicant or from staff of Wayne County. This meeting, if needed, must be held within two weeks from the date of the original meeting. At the conclusion of the FIC meeting (either the initial or subsequent meeting if needed) the FIC will recommend inclusion of the facility into the Plan, or will provide a list of issues to the applicant that must be addressed to assure the concerns of Wayne County and/or the potentially affected parties are reasonably addressed.
6. The applicant and the host community will be responsible for addressing the issues identified by the FIC and modifying the proposal and/or Host Community Agreement as necessary.
7. When the applicant believes they have adequately addressed the concerns identified by the FIC, they will request a new meeting and will submit a revised proposal and Host Community Agreement to Wayne County LRMD. If this step is not completed within 9 months, the application will be considered new and the process will revert to step number 3.
8. After receipt of the revised proposal, staff of the LRMD will notify the Host Community and potentially affected parties of the revisions. Copies of this information will be forwarded to the affected municipalities. The previously notified residences and businesses will be notified and provided with a location that the revised application can be reviewed. The potentially affected parties will then have 30 days in which to provide written notification to the FIC detailing any concerns regarding the revised proposal.
9. A meeting of the FIC will be scheduled within two weeks after receipt of the comments from the potentially affected parties to allow a review of the new information and to consider any remaining comments. The applicant, the Host Community, and the potentially affected parties will be notified of the hearing date. At the end of the meeting the FIC will either determine that their concerns have been reasonably addressed and recommend inclusion of the facility, or will reject the application. If the application is rejected, the applicant may restart the process at step number 3 when appropriate changes have been made.

Facility Inclusion Process Flow Chart



Local Ordinances and Regulations Affecting Solid Waste Disposal

This Plan update's relationship to local ordinances and regulations within Wayne County is described in the option(s) marked below:

- ☒ 1. *Section 11538 (8) and rule 710 (3) of Part 115 prohibits enforcement of all County and local ordinances and regulations pertaining to solid waste disposal areas unless consistent with an approved Solid Waste Management Plan. Local regulations and ordinances intended to be part of this Plan must be specified below and the manner in which they will be applied described.*
- ☐ 2. *This plan recognizes and incorporates as enforceable the following specific provisions based on zoning ordinances:*
- ☐ 3. *This plan authorizes adoption and implementation of local regulations governing the following subjects by the indicated units of government without further authorization from or amendment to the Plan.*

Wayne County explicitly includes the following ordinance within its Solid Waste Management Plan:

Wayne County Solid Waste Ordinance: enables the County to protect the public health and land, air, water, and other natural resources; to supplement provisions of Part 115 of the Michigan Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, and its Administrative Rules; to regulate specified solid waste management practices; to control the operations of solid waste facilities and prevent any adverse off-site effects of operation; to provide an enforceable mechanism for implementation of the Wayne County Solid Waste Plan; to prescribe the powers and duties of agencies; to provide for appeals; and to provide for penalties and remedies. (A copy of the ordinance can be found in Appendix G).

This Plan specifically requires that solid waste disposal facilities enter into a Host Community Agreement prior to seeking inclusion. The negotiation of these types of agreements allows host communities the opportunity to resolve all local ordinance issues. Wayne County authorizes all local municipal solid waste ordinances and regulations as enforceable provided that they are not in conflict with the goals of this Plan or Part 115 of PA 451 of 1994 and the requirements have been incorporated into the Host Community Agreement.

FACILITY DESCRIPTIONS

Facility Type: Incinerator w/ Energy Recovery

Facility Name: Greater Detroit Resource Recovery Facility

County: Wayne Location: Town: 1 S Range: 12 E Section(s): 32

City or Township: Detroit

Address: 5700 Russell St. Detroit, MI 48211

Phone: (313) 876-0140

Map identifying location included in Attachment Section: ☒ Yes ☐ No

If facility is an Incinerator or a Transfer Station, list the final disposal site and location for Incinerator ash or Transfer Station wastes : Ash landfilled at Carleton Farms Landfill

☒ Public ☐ Private Owner: Greater Detroit Resource Recovery Authority

Operating Status (check)

- ☒ open
- ☐ closed
- ☒ licensed
- ☐ unlicensed
- ☐ construction permit
- ☐ open, but closure
- ☐ pending

Waste Types Received (check all that apply)

- ☒ residential
- ☒ commercial
- ☐ industrial
- ☐ construction & demolition
- ☐ contaminated soils
- ☐ special wastes *
- ☐ other:

* Explanation of special wastes, including a specific list and/or conditions:

Site Size:

Total area of facility property:	<u>17.5</u>	acres
Total area sited for use	<u>N / A</u>	acres
Total area permitted:	<u>N / A</u>	acres
Operating:	<u>N / A</u>	acres
Not excavated:	<u>N / A</u>	acres
Current capacity:	<u>1,043,000</u>	<input checked="" type="checkbox"/> tons or <input type="checkbox"/> yds ³
Estimated lifetime:	<u>until 2024</u>	years
Estimated days open per year:	<u>365</u>	days
Estimated yearly disposal volume:	<u>1,040,000</u>	<input checked="" type="checkbox"/> tons or <input type="checkbox"/> yds ³

(if applicable)

Annual energy production:		
Landfill gas recovery projects:	<u>N / A</u>	megawatts
Waste-to-energy incinerators:	<u>68</u>	megawatts

Approved 10/19/00

ENROLLED ORDINANCE

No.2000-654

INTRODUCED BY COMMISSIONER(S): Boike

WAYNE COUNTY SOLID WASTE ORDINANCE

SECTION 100 PREAMBLE

An Ordinance to protect the public health and land, air, water, and other natural resources of the county; to supplement provisions of, Part 115 of the Michigan Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, ("NREPA") and its Administrative Rules; to regulate specified solid waste management practices; to control the operations of solid waste facilities and prevent any adverse off-site effects of operations; to provide an enforceable mechanism for implementation of the Wayne County Solid Waste Plan; to prescribe the powers and duties of agencies; to provide for appeals; and to provide for penalties and remedies.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CHARTER COUNTY OF WAYNE:

SECTION 110 GENERAL PROVISIONS

111 **Enabling Clause**

111.1 The County of Wayne, as authorized by the Wayne County Home Rule Charter, Article IV, Part IV, Section 4.343.(b), and Sections 324.11508, 324.11531, and 324.11532 of NREPA, hereby adopts the Wayne County Solid Waste Ordinance. The County Commission of Wayne County under authority of Section 3.115 (1) of the Wayne County Home Rule Charter, approves the Wayne County Solid Waste Ordinance. This Ordinance is also authorized and enacted pursuant to the provisions of the Michigan Public Health Code P.A. 368 of 1978, as amended, MCL 333.2611.

112 **State Incorporated Requirements**

112.1 Incorporated in this Ordinance by reference are: MCL 324.11501 through 11507, 11509 through 11536, 11537a, 11541 through 11543, 11545, 11546 and 11548 of NREPA, and the State Administrative Rules promulgated thereunder, MAC R 299.4101 through R299.4140; MAC R299.4203 through R299.4602 and R299.4703 through 4708; MAC R299.4710 through 4711; MAC R299.4901 through 4922. Copies of any material referenced in this section (PART 115 of NREPA and the attendant State Administrative Rules) are available at a nominal charge from the Wayne County Department of Environment.

112.2 All solid waste disposal areas shall be designed, constructed, operated, maintained, monitored, and closed in accordance with the requirements of Part 115 of the NREPA, the State Administrative Rules promulgated thereunder, this Ordinance, and the Wayne County Solid Waste Management Plan.

113 **County Requirements**

113.1 Proposals for construction, modification, expansion, alteration, reconstruction and operation of a solid waste disposal area shall comply with this Ordinance, the Wayne County Solid Waste Management Plan, the Wayne County Storm Water Management Ordinance, the Wayne County Air Quality Management Ordinance and any other applicable statutes or regulations. Copies of the Solid Waste Management Plan, the Wayne County Storm Water Ordinance and Wayne County Air Quality Management Ordinance are available for review or for purchase from the Wayne County Department of Environment.

113.2 This Ordinance shall be applicable in Wayne County as provided by law.

114 **Technological Advances**

114.1 The use of technological advances which meet the intent of applicable sections of this Ordinance shall not be prohibited. An applicant or licensee who wishes to utilize a newly developed system, device or procedure, shall request approval from the Department prior to use of the new technology. If the Department determines that the technological advance would provide performance equivalent to a requirement of this Ordinance, the new technology shall be approved.

SECTION 120 DEFINITIONS

- 120.1 The words and phrases used in this Ordinance have the meanings ascribed to them by this section, or Sections 324.11502 through 11506 of NREPA and its Administrative Rules.
- 120.2 Words and phrases used in the present tense include the future; words and phrases in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural includes the singular.
- 120.3 Where words and phrases are not defined under the provisions of this section, they shall have ascribed to them their ordinarily accepted meanings, or such as the context herein may imply.

"ASTM" means the American Society for Testing and Materials.

"C.F.R." means the Code of Federal Regulations published by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C.

"Commercial Waste" means all types of solid waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities, but does not include household waste, hazardous waste, and industrial waste.

"Compliance Boundary" means the solid waste boundary or an alternative boundary specified in accordance with 40 C.F.R. part 257.3-4(b).

"Composting" means the process by which biological decomposition of solid waste is carried out under controlled aerobic conditions and which stabilizes the organic fraction into a material that can easily and safely be stored, handled and used in an environmentally acceptable manner. The presence of insignificant and anaerobic zones within the composting material will not cause the process to be classified as other than composting.

"Composting Facility" means a facility where composting of yard clippings or combustible material occurs using composting technology. Composting technology may include

physical turning, windrowing, aeration, or other mechanical handling of organic matter.

"County" means the County of Wayne, Michigan.

"County Commission" means the elected Wayne County Commission.

"Department" means the Wayne County Department of Environment.

"Designated Solid Waste Agency" means the Land Resources Management Division of the Wayne County Department of Environment; or the County Agency which the Wayne County Chief Executive Officer designates to seek criminal complaints and warrants as authorized.

"Division" means any duly authorized agent of the Land Resource Management Division of the Wayne County Department of Environment.

"Division Director" means the Director of the Wayne County Land Resource Management Division of the Department of Environment or his/her authorized representative.

"Drainage Systems" means all swales, ditches, pipes, stormwater detention/retention basins, and sedimentation ponds used to convey stormwater at the solid waste disposal area.

"Existing Solid Waste Disposal Area" means any of the following: (i) a solid waste disposal area that has been issued a construction permit pursuant to the provisions of the Act; (ii) a solid waste disposal area that had engineering plans approved by the director of the Michigan Department of Natural Resources before January 11, 1979; or (iii) an industrial waste pile that is located at the site of generation.

"Facility Inclusion Committee" means the committee appointed to make decisions regarding the placement of solid waste disposal facilities within Wayne County, as set forth in the Wayne County Solid Waste Management Plan.

"Fugitive Dust" means particulate matter emitted into the outdoor atmosphere from outdoor or indoor activities,

operations or premises due to forces of wind or man's activity.

"Generator" means any person, county, municipality, state or federal facility whose activity results in the generation of a solid waste.

"Hazardous Waste" means those wastes that are regulated by Part 111 of NREPA, its Administrative Rules or 40 CFR parts 260 through 265 of the Federal Regulations.

"Health Department" means the Wayne County Health Department.

"Health Director" means the director of the Health Department.

"Household Waste" means any solid waste, including garbage and trash that is derived from households, including single and multi-residences, hotels and motels.

"Industrial Waste" means solid waste which is generated by manufacturing or industrial processes, or originates from an industrial site and which is not a hazardous waste regulated pursuant to the provisions of Part 115 of NREPA.

"Industrial Waste Landfill" means a landfill that is used for the disposal of non-hazardous industrial waste pursuant to Part 111 of NREPA.

"Leachate" means liquid which has come in contact with, passed through, or emerged from, solid waste and which contains soluble, suspended, or miscible materials that are removed from the wastes.

"Leachate Discharge" means any non-permitted release of leachate that is causing or has the potential to cause contamination of groundwater, surface water or the environment.

"Licensee" means the person to whom a Solid Waste Disposal Area License has been issued pursuant to Part 115 OF NREPA.

"Liner" means any natural soil sidewall or base, compacted soil sidewall or base, or synthetic material sidewall or base which is utilized to contain solid waste or the leachate generated therefrom.

"Liquid" means a fluid with a solids content less than 20%.

"Main Interior Haul Roads" means all on-site roads which are used by solid waste transporting units on a routine basis.

"Municipal Solid Waste Landfill" or "Type II Landfill" means a landfill which receives household waste, municipal solid waste, incinerator ash, or sewage sludge and which is not a land application unit, surface impoundment, injection well, or waste pile. A Municipal Solid Waste Landfill also may receive other types of solid waste, such as commercial waste, non-hazardous sludge, conditionally exempt small quantity generator waste, and industrial waste. Such landfill may be publicly or privately owned.

"Off-site Roads" means all roads and their respective right-of-way, outside the solid waste disposal area boundary, which are used by solid waste transporting units entering or exiting the solid waste disposal area.

"On-site Roads" means all roads temporary or permanent which are within the licensed solid waste disposal area.

"Operator" means the person who is in control of or responsible for the operation of a facility or part of a facility.

"Owner" means the person who owns a facility or part of a facility.

"Part 31" means Part 31 of NREPA, as amended, being MCL 324.3101 through 324.3133.

"Part 55" means Part 55 of NREPA, as amended, being MCL 324.5501 through 324.5542.

"Part 111" means Part 111 of NREPA, as amended, being MCL 324.11101 through 324.11152.

"Part 115" means part 115 of NREPA, MCL 324.11501 through 324.11550.

"Part 201" means Part 201 of NREPA, as amended, being MCL 324.20101 through 324.20142.

"Person" means an individual; sole proprietorship; partnership; association; corporation, public or private, organized or existing under the laws of this state or any other state, including a federal corporation; this state or an agency or department of this state; a municipality in this state; or a county in this state.

"Public Servants" means representatives of the division, designated by the Commissioners, Wayne County Commission, to issue and serve appearance tickets.

"Resource Recovery Facility" means machinery, equipment, structure or any parts or accessories of machinery, equipment or structures, installed or acquired for the primary purpose of recovering materials or energy from the waste stream.

"Sanitary Landfill" means a type of disposal area consisting of one or more landfill units and the active work areas associated with these units. Sanitary Landfill shall be classified as one of the following types of landfills:

- (i) A Type II Landfill, which is a municipal solid waste landfill, and includes a municipal solid waste incinerator ash landfill.
- (ii) A Type III Landfill, which is any landfill that is not a municipal solid waste landfill or a hazardous waste landfill and includes both of the following:
 - (a) construction and demolition waste landfills.
 - (b) industrial waste landfills.

"Sewage" means a liquid waste which includes human excreta, wastes from sink, lavatory, bathtub, shower or laundry, and any other liquid waste of organic or chemical nature, either singularly or in any combination thereof.

"Significant Storm Event" means a storm that generates 0.1 inches or more of rainfall in 24 hours.

"Sludge" means any semi-solid that has more than 20% but less than 60% solids.

"Solid Waste" means garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, municipal and industrial sludges, solid commercial and solid industrial waste, and animal waste other than organic waste generated in the production of livestock and poultry, but does not include human body waste, medical or liquid or other waste regulated by statute, ferrous or nonferrous scrap directed to a scrap metal processor or to a reuser of ferrous or nonferrous products, slag or slag products directed to a slag processor or to a reuser of slag or slag products, or certain sludges, ashes described in Section 324.11506(g) of Part 115, materials approved for emergency disposal by the Director of the Michigan Department of Environmental Quality, source separated materials, site separated materials and fly ash or other ash produced from the combustion of coal, when used as identified in Section 324.11506 (k) of Part 115.

"Solid Waste Boundary" means the outermost perimeter of the solid waste (projected in the horizontal plane) as it would exist at completion of the sanitary landfill and as authorized in a construction permit or in engineering plans approved for the landfill unit by the solid waste county agency before January 11, 1979.

"Solid Waste Planning Committee" means the committee appointed to assist in the implementation of the approved Wayne County Solid Waste Management Plan.

"Solid Waste Disposal Area" means a solid waste transfer facility, incinerator, sanitary landfill, processing plant, and resource recovery facility or other solid waste handling and disposal facility utilized in the disposal of solid waste.

"Solid Waste Management Plan" means the approved Wayne County Solid Waste Management Plan, as required by Part 115, and its approved updates.

"Yard Clippings" means leaves, grass clippings, vegetable or other garden debris, shrubbery, or brush or tree trimmings, less than 4 feet in length and 2 inches in diameter, that can be converted to compost humus. Yard clippings do not include stumps, agricultural wastes, animal waste, roots, sewage sludge, or garbage.